

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GREGORY MATHIS,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-12-10

09 Civ. 10282 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On March 8, 2010, the Honorable Andrew J. Peck, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court dismiss petitioner's pro se petition for a writ of habeas corpus, properly construed as a motion under 28 U.S.C. § 2255, because petitioner failed to timely comply with the Court's Order dated December 30, 2009.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, dismisses the petition. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: New York, NY
April 9, 2010


JED S. RAKOFF, U.S.D.J.